IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2766 of 2005

Between:

1 N. Babu Rao, S/o. Pallayya,
R/o. D.No. 4-6, Beside Eedarapalli Bridge,

Amalapuram-533 201, East Godavari District.
2 K. Amrutha Rao, S/o. Reddy,
R/o. D.No. 9-116/1, Near Missamma Hospital,

Ambajipet Village and Mandal, East Godavari District.
3 K. Suryanarayaana, S/o. Sri Rama Murthy,
R/o. D.No. 8-3-62-1, Ravanamveedhi, Amalapuram-533 201, East Godavari District.
4 V. Rama Rao, S/o. Tirupataiah,
R/o. 2nd Ward, Weavers Colony Road, Pulletikurru,
Kothapeta Mandal, East Godavari District.
5 K. Satynarayana, S/o. Lakshmana Rao,
R/o. D.No. 1-91, Near Hanuman Theatre, Eedarapalli,
Amalapuram-533 201, East Godavari District.
6 K. Naga Satynarayana, S/o. Satynarayana,
R/o. D.No. 3-64, Bhimanapalli Colony,

Uppalaguptam Mandal, East Godavari District.
7 A. Rama Rao, S/o. Ganga Raju,
R/o. D.No. 11-119, Near Mutyalamma Temple,
Konkapalli,Amalapuram-533 201, East Godavari District.
8 K. Nageshwara Rao, S/o. Venkata Reddy,
R/o. D.No. 5-4-60/1, Arigelapalem,
Amalapuram-533 201, East Godavari District.
9 V. Satynarayana, S/o. Bulliyya,
`R/o. D.No. 6-85 B, I.Polavaram Village and Mandal,
East Godavari District.

10 K. Krishna Murthy, S/o. Venkata Narasaiah,
R/o. D.No. 5-85, Bodasakurru, Allavaram Mandal,
East Godavari District.
11 G. Trinadh, S/o. Lakshmanna,
R/o. 7-1-55, Near Sri Rama Ice Parlour, Main Road, Amalapuram-533 201, East Godavari District.
12 K. Venkateswara Rao, S/o. Subba Rao,

R/o. D.No. 6-4-64/2, Karri Rama Swamy Street,
Amalapuram-533 201, East Godavari District.

13 K. Pallam Raju, S/o. Satyam,
R/o. Kamsala Colony, Tarakarama Nagar,
Amalapuram-533 201, East Godavari District.

14 B. Veerabhadra Rao, S/o. Suranna,
R/o. D.No. 3-1-169, Narayanapeta,

Amalapuram-533 201, East Godavari District.

15 N. Ranga Rao, S/o. Venkanna,
R/o. D.No. 4-1-77, Vaddigudem,

Amalapuram-533 201, East Godavari District.

16 B. Narayana Rao, S/o. Naganna,
R/o. D.No. 4/1/110/15, Sri Rama Nagar,

Bhupayya Agraharam, Amalapuram-533 201,

East Godavari District.

17 T. Ramu, S/o. Manikyam,
R/o. Pasalapudi Badava, Mamidikuduru Mandal,

East Godavari District.

..... PETITIONERS

AND

1 Principal Secretary, Transport Department, Govt. of A.P., Secretariat, Hyderabad.

2 Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

3 The Depot Manager, A.P.PS.R.T.C., Amalapuram Depot, Amalapuram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing the respondents to take steps to implement the benefits given under the Notification No. PD-147/2003, dated. 08.10.2003 in pursuant to the amended Regulation 6-A (5) of Service Regulations dated. 28.07.2003 or in alternative the respondents may be directed to implement the benefits given under the persons with Disabilities (Equal Opportunities protections of Rights and full Participation) Act, 1995, to the petitioners herein.

Counsel for the Petitioners: MR.VENU GOPAL PECHETTI

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondents No.2&3: KUM.B.G.UMADEVI

The Court made the following:

ORDER:

For not taking steps by the respondents to implement the benefits given under the Notification No.PD-14/2003 dated 08.10.2003, the present writ petition is filed.

Learned Counsel for the petitioner contended that the amended Regulation 6A(5) of APSRTC employees (Service) Regulations 1964 providing better benefits to the medically unfit drivers has been approved by the Chairperson, pending sanction of the Government, but they are not implemented. Aggrieved by the same, the present writ petition is filed.

Learned Standing Counsel for the respondents 2 and 3 contended that the Government has not sanctioned any amendment of regulation and therefore after approval of the Government only the said amendment of Regulation 6A(5) of Regulations 1964 would be given effect.

Perused the material papers on record. As per the notification No.PD-14/2003, dated 08.10.2003 the Board of the respondents 2 and 3 by its resolution No.128/2003 dated 28.07.2003 accorded approval for amending Regulation 6A(5) of APSRTC employees (Service) Regulations, 1964 providing better benefits to the medically unfit drivers. The Chairperson accorded approval implementing the amended Regulation 6A(5) of the APSRTC employees (Service) Regulations, 1964 pending sanction of the Government.

As seen from the notification, it is also clear that the said amended regulation is notified in the annexure for implementation with immediate effect. Therefore, the respondents are bound to accept the amendment to give effect for implementation immediately. The respondents 1 and 2 are bound by the notification No.PD-14/2003, dated 08.10.2003. Therefore, the contention of the learned Standing Counsel for the respondents 2 and 3 cannot be accepted at all. Unless the Government has approved the said amendment it cannot be given effect, cannot be accepted because the purport of the proceedings dated 08.10.2003 would clearly indicate that the said amended regulation is notified

and came into effect immediately.

Hence, the writ petition is allowed, directing the respondents to take further steps to implement the benefits given under the notification No.PD-14/2003, dated 08.10.2003. No costs.

18.02.2005

MRKR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Eighteenth day of February Two Thousand and Five.

To

1 The Principal Secretary, Transport Department, Govt. of A.P., Secretariat, Hyderabad.
2 The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
3 The Depot Manager, A.P.S.R.T.C., Amalapuram Depot, Amalapuram, East Godavari District.

4 Two C.D.copies.

5 Two C.Cs to the Government Pleader for Transport, High Court Building, Hyderabad (OUT)

*Form-NIC-OGS/WP{**CTMP**}*